Case: 4:09-cv-00554-SNLJ Doc. #: 11 Filed: 04/27/09 Page: 1 of 3 PageID #:

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

THE COUNTY OF JEFFERSON,	§	
MISSOURI	§	
% Ms. Beth Man, Collector	§	
Jefferson County Administration	§	
Center	§	Case No. 09-554SNLJ
729 Maple Street	§	
Hillsboro, MO 63050	§	
	§	Jury Trial Demanded
Plaintiff,	§	
	§	
v.	§	
	§	
TYLER TECHNOLOGIES, INC	§	
Serve: Registered Agent	§	
Capital corporate Services, Inc.	§	
222 E. Dunklin, Suite 102	§	
Jefferson City, MO 65101	§	
	§	
Defendant.	§	

## MOTION TO REMAND TO STATE COURT AND FOR AWARD OF ATTORNEY FEES AND EXPENSES

Plaintiff, the County of Jefferson, Missouri, pursuant to 28 U.S.C. §1447(c) moves this court to remand this case to the State Court, the Circuit Court of the 23<sup>rd</sup> Judicial Circuit of Missouri, Jefferson County, Missouri, Cause No. 09JE-0000375, Division 1, because the Agreement between the parties, marked Plaintiff's Exhibit 1 to Plaintiff's Petition, (which Petition and Exhibit were filed in this Court with Defendant's Notice of Removal), upon which the cause of action in this case is based, provides that any legal proceeding relating to the subject matter of the Agreement shall be maintained in courts sitting in the State of Missouri and that "no court actions commenced in Missouri shall be transferred or removed to any other State or Federal court." Therefore, the parties have agreed that this action is not removable by Defendants to this Federal court or any other Federal or State court.

Further, pursuant to 28 U.S.C. §1447(c), Plaintiff moves this court to award to Plaintiff its just costs and actual expenses, including attorney's fees in the amount of \$3,680.00, plus any additional amounts incurred hereafter on this Motion to Remand, incurred as the result of the improper removal by Defendant of this case from the State court to this Federal court.

Plaintiff files herewith its Memorandum in Support of these motions in compliance with Local Rule 7-4.01 of the U.S. District Court. Eastern District of Missouri.

Respectfully Submitted,

/s/ Dana Hockensmith

Dana Hockensmith
E.D. Missouri Bar No. 24925
Hockensmith Tatlow McKinnis Hamill, P.C. 12801 Flushing Meadow Drive
St. Louis, Missouri 65131
P: (314) 965-2255
F. (314-965-6653
hockensmith@htmhlaw.com

ATTORNEYS FOR PLAINTIFF

## CERTIFICATE OF SERVICE

I hereby certify that on this the 27<sup>th</sup> day of April, a true and correct copy of the foregoing document was served upon the following counsel of record via electronic means and U.S. mail in accordance with the Federal Rules of Civil Procedure.

Steven E. Garlock
B. Matthew Struble
Thompson Coburn LLP
One U.S. Bank Plaza
St. Louis, Missouri 63101
(314) 552-7000
sgarlock@thompsoncoburn.com
ATTORNEYS FOR DEFENDANT

Case: 4:09-cv-00554-SNLJ Doc. #: 11 Filed: 04/27/09 Page: 3 of 3 PageID #: 638

Craig w. Budner
Andrew B. Russell
Courtney Barksdale Perez
K&L Gates LLP
1717 Main Street
Suite 2800
Dallas, Texas 75201

\_\_\_\_\_/s/ Dana Hockensmith
Dana Hockensmith